

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

JOHN GABRIEL RIOS, §
Institutional ID No. 171092 §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 5:22-CV-00266-C
§
STATE OF TEXAS, *et al.*, §
§
Defendants. §

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge entered a Report and Recommendation that the Court dismiss with prejudice Plaintiff's claims for unconstitutional conditions of confinement, claims asserted under criminal statutes or seeking criminal prosecution of defendants, requests for exoneration, and claims against the Lubbock County Sheriff's Office and the State of Texas. Additionally, the Magistrate Judge recommended that the Court stay Plaintiff's claims for false arrest, unlawful detention, and conspiracy against Defendants Officer Rocha, Officer White, Sheriff Mason, Officer Harrison, Officer Portillo, Lt. Alvarez, Officer Vasquez, Officer Barrientez, and Officer Alvarez until his related, pending criminal charge or charges are resolved. Plaintiff filed objections.

The District Court made an independent examination of the record in this case and conducted a de novo review of the relevant portions of the Magistrate Judge's Report and Recommendation. Plaintiff's objections are **OVERRULED**,¹ and the Court **ACCEPTS** and

¹ Most of Plaintiff's objections are either restatements of arguments made in his amended complaint (as supplemented by his responses to the Magistrate Judge's questionnaire and supplemental questionnaire), arguments thoroughly addressed by the FCR, or conclusory statements insisting that his claims have merit. Although Plaintiff

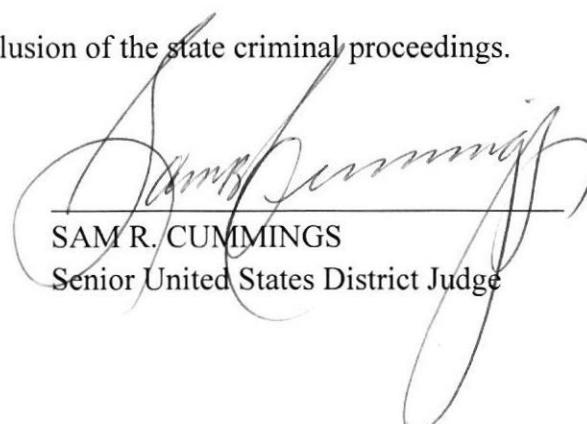
ADOPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

It is therefore **ORDERED**:

1. Plaintiff's claims against the Lubbock County Sheriff's Office and the State of Texas are **DISMISSED** with prejudice as frivolous and for failure to state a claim.
2. Plaintiff's claims seeking exoneration or dismissal of pending criminal charges and his claims seeking criminal prosecution or enforcement of criminal statutes are **DISMISSED** with prejudice as frivolous and for failure to state a claim.
3. Plaintiff's claims for unconstitutional conditions of confinement are **DISMISSED** with prejudice for failure to state a claim.
4. There is no just reason for delay in entering a final judgment and final judgment shall be entered as to the above-named Defendants and claims pursuant to Federal Rule of Civil Procedure 54(b). Final Judgment will be entered accordingly.

Plaintiff's remaining claims for false arrest, unlawful detention, and conspiracy against Defendants Officer Rocha, Officer White, Sheriff Mason, Officer Harrison, Officer Portillo, Lt. Alvarez, Officer Vasquez, Officer Barrientez, and Officer Alvarez are **STAYED** pending the resolution of Plaintiff's pending, related criminal proceedings. The Clerk is directed to administratively close this case. If Plaintiff wishes to pursue these claims, he must file a motion to reopen this case within 60 days from the conclusion of the state criminal proceedings.

Dated December 18, 2023.



SAM R. CUMMINGS
Senior United States District Judge

argues that some of his criminal charges have been resolved, he admits that at least one charge stemming from the relevant arrest remains pending. Thus, his objections do not alter the Magistrate Judge's analysis.